
Site Address:	Park Lodge, Hooks Lane, Havant, PO9 3DT		
Proposal:	Application for Certificate of Lawfulness relating to existing use of the building as 1No. 4 bed maisonette and 1No. studio flat.		
Application No:	APP/15/01390	Expiry Date:	11/02/2016
Applicant:	Mr Greenhouse	Team:	Team 1
Agent:	Mr McDermott	Case Officer:	Emma Chisnall
	Town Planning Expert		
Ward:	Bedhampton		

Recommendation: **REFUSE A CERTIFICATE OF LAWFUL USE**

1 Site Description

Park Lodge is a large detached property set off Hooks Lane and is located near a leisure facility and in front of the rugby ground. The dwelling itself is made up of part brick walls and part cladding with a concrete tiled pitched roof. Parking is available on Hooks Lane or Fraser Road and there is a small amount of parking available in front of the dwelling provided through hard-surfacing outside of the curtilage. To the front of the dwelling the ground is hard-surfaced and there is garden lawn to the rear which is moderate in size. Screening is in place at the front and back of the dwelling and is provided through hedging and bushes approx 2m high.

The application is to apply for a certificate of lawfulness to prove that the existing lodge has been separated into two separate residential units, 1No 4 bed maisonette and 1No studio flat for a period of 4 years or longer.

2 Planning History

92/56733/000- Two storey extension to provide granny flat and additional bedroom accommodation- Permitted
96/56733/002- Single storey rear extension- Refused
97/56733/003- Single storey rear extension (revised application)- Permitted
APP/15/01414- Construction of two semi-detached houses- Not yet decided

3 Proposal

Application for Certificate of Lawfulness relating to existing use of the building as 1No. 4 bed maisonette and 1No. studio flat.

Submitted Evidence:

Covering Letter dated 14th December 2015
Location and Block Plan
Floor, Roof and Elevation Plans of the site
Photographs of the existing site

Supporting documents submitted on the 21st Dec 2015 are not inclusive of evidence to demonstrate that the above two dwellings had been used for a consistent 4 years.

4 Consultation

Evidence was sought from the council tax team who were able to confirm that council tax had not in fact been paid for the annex site between 31st March 2013 and 31st January 2015. A letter was received from the applicant in March 2013 confirming the site to be "two rooms on the ground floor of his house" and stating that "We have reclaimed them back into the house again- they are no longer a separated dwelling". Council tax were able to confirm that the applicant started to rent the dwelling out again in January 2015.

5 Policy Considerations

There are no policy considerations with regard to determining the lawfulness of the two dwellings.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 2

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

- 7.1 Without supportive evidence of a continuous use from 17th December 2011 to 17th December 2015 a certificate of lawfulness is not able to be granted.

Page 3 of the application guidance states that "It is up to the person applying for a Lawful Development Certificate for an existing use to show the proper evidence. This could include: Proof that any use (breach of condition) has been carried on continuously for a period of 10 years (4 years in the case of a dwelling).

In addition, evidence in relation to Council Tax records contradicts the continuous use of the building for two dwellings over the relevant 4 year period.

8 Conclusion

Due to insufficient evidence submitted, it has not been demonstrated on the balance of probability that the building has been used as two separate dwellings. A certificate of lawfulness cannot, therefore be granted.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE A CERTIFICATE OF LAWFUL USE** for application APP/15/01390 as set out below:

Havant Borough Council, as Local Planning Authority, **REFUSES** to certify that on 17th December 2015 the developments described in the First Schedule to this certificate in respect of existing use of the building as 1No. 4 bed maisonette and 1No. studio flat and as shown edged in red on the submitted location plan would have been lawful within the Town and Country Planning Act 1990 (as amended) for the following reason:

1 Evidence has not been provided to demonstrate that both the annex and maisonette have been operating as independent residential dwellings for the relevant 4 year period.

First Schedule:

The certificate related to the following development:

The existing use of the building as 1No 4 bed maisonette and 1No. studio flat, as shown on submitted drawings, Existing Location and Block Plans Drg No: E001, Floor Plan/Roof Plan Drg No: E004, Elevation Dwg No: E002 and photo views Drg No: E003 as described in the written particulars, plans and other documents submitted with your application.

Second Schedule

Park Lodge, Hooks Lane, Havant, PO9 3DT as shown in red on the submitted location plan identified as Existing Location and Block Plan Dwg No E001